

REMARKS

Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the amendments to the claims and the following remarks.

Claim Status and Amendments

Claim 1-25 had been pending and because of an election, claims 1-11 had been examined and claims 12-25 had been withdrawn.

This response cancels the withdrawn claims. Thus, claims 1-11 remain.

Rejection

Claims 1-11 had been provisionally rejected under the judicially created doctrine of obviousness-type double patenting based on co-pending Application Nos. 10/718,295 and 10/806,841.

To overcome both of these rejections, terminal disclaimers have been submitted.

Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. PTO Form 2038 is enclosed herewith authorizing payment of the appropriate Terminal Disclaimers fee. Should any further fees or extensions of time be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By: Donald C Lucas
Donald C. Lucas
(Attorney for Applicants)
475 Park Avenue South
New York, New York 10016
Tel. # (212) 661-8000

DCL/jdv

Encl: Return receipt post-card
Two executed Terminal Disclaimers
PTO Form 2038